THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.18659 OF 1998

ORAL ORDER:

The petitioner herein was appointed as Senior Auditor in the Office of the 3rd respondent on the basis of the Social Status Certificate, dated 28.11.1992, issued by the 2nd respondent, certifying that the petitioner belongs to Holva caste, which is a Scheduled Tribe. While so, it appears that on a reference made by the 3rd respondent for verification as to the genuineness of the Social Status Certificate produced by the petitioner, the 1st respondent-Joint Collector, by letter dated 31.1.1998 informed the 3rd respondent that the certificate dated 28.11.1992 was not genuine and that it was a forged certificate. Basing on the said report of the 1st respondent, the petitioner was issued a notice dated 27.5.1998 calling upon to explain as to why action should not be initiated against him under Central Civil Services (Conduct) Rules, 1964 for submitting a forged Caste Certificate in order to secure appointment, since the same exhibits lack of integrity, and violative of the provisions of Rule 3 (1) (i) of the Central Civil Services (Conduct) Rules, 1964. Aggrieved by the said action of the respondents, this writ petition has been filed contending *inter alia* that the report said to have been submitted by the 1st respondent on the basis of an enquiry conducted behind his back as to the genuineness of the Social Status Certificate dated 28.11.1992 being in violation of the principles of natural justice, cannot be relied upon for any purpose.

In spite of notice, the 3rd respondent did not choose to file any counter.

In the counter-affidavit filed on behalf of the respondents 1 and 2 it was only stated that the enquiry was conducted with the Village Administrative Officer, Vavam village. Nothing has been

placed before this Court to show that the petitioner was put on notice about the said enquiry. Thus, the report dated 31.1.1998 submitted by the 1st respondent without giving an opportunity to the petitioner to put forth his version was undoubtedly in violation of the principles of natural justice.

That apart, under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates, Act, 1993, a detailed procedure has been prescribed so far as the verification of the genuineness of the Community Certificate, which also mandates giving an opportunity of making a representation to the concerned person. Since, admittedly, no such procedure has been followed, the proceedings of the 1st respondent dated 31.1.1998 declaring the Community Certificate of the petitioner was forged as well as the consequential impugned notice issued by the 3rd respondent dated 27.5.1998 are liable to be set aside.

Accordingly, both the said orders are hereby set aside and the writ petition is disposed of leaving it open to the respondents to take appropriate steps following the procedure prescribed under Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates, Act, 1993, and the rules made thereunder. No costs.

_____

(G. ROHINI, J.)

14th September, 2007.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.18659 OF 1998

-

18th September, 2007.

Between:

Ramachandra Sahu. .. Petitioner.

And

The District Collector, Srikakulam
District, Srikakulam and others. .. Respondents.

s